

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

LIBERTY ASSOCIATES, L.C.,  
Appellant,

v.

JACOBS CAPITAL, LLC, et al.,  
Appellee.

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No. 4:10-CV-117-H

**DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED  
IN RECORD ON APPEAL  
(Rule 6(b)(2)(B) – Federal Rules of Appellate Procedure)**

NOW COME Appellees, Michael T. Jacobs and Jacobs Capital, LLC (“Jacobs Capital”), by and through undersigned counsel, and hereby designate the following additional items to be included in the record on appeal that were not included in the Designation of Items to be Included in Record on Appeal filed by Appellant, Liberty Associates, L.C. on May 26, 2011 (Docket No. 27).

The Appellant's Designation of Items to be Included in Record on Appeal identified some, but not all, of the documents which made up the Record on Appeal before the United States District Court for the Eastern District of North Carolina, as assembled in compliance with Bankruptcy Rule 8006.

Appellees respectfully request that the Record on Appeal include Docket Entries 1 - 4 listed on the Docket of the United States District Court for the Eastern District of North Carolina, Case No. 4:10-cv-00117-H, being the Notice of Appeal (Docket #1) and Parts 1 - 3 of the Record on Appeal assembled in compliance with Bankruptcy Rule 8006 (Docket #2-4) and forwarded to the United States District Court by the Clerk of the Bankruptcy Court. Docket Numbers 2 - 4

include 69 attached documents which made up the Record on Appeal from the Bankruptcy Court.

In addition to those documents, Appellees request that the following be added to the Record on Appeal to the United States Court of Appeals for the Fourth Circuit:

1. SEALED BANKRUPTCY TRANSCRIPT of Proceedings held on Feb 3, 2010; Sept 1, 2009; Apr 28, 2010, before Judge Randy D. Doub.

Case Reference: 4:10-cv-00117-H  
File Date: 09/01/2010  
Docket Number: 6

2. APPELLEE'S BRIEF by Michael T. Jacobs, Jacobs Capital, LLC<sup>1</sup>

Case Reference: 4:10-cv-00117-H  
File Date: 10/29/2010  
Docket Number: 19

Respectfully submitted, this 9<sup>th</sup> day of June, 2011.

WILLIAMS MULLEN

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<sup>1</sup> Appellees designate their brief in light of Appellant's designation of its Brief and Reply Brief. Briefs are not technically part of a record, and constitute arguments of counsel. Nevertheless, for completeness, Appellees make this designation. Should the Court decide that briefs and argument are not properly part of the Record on Appeal. Appellees would not object to their exclusion.

**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN RECORD ON APPEAL was served this day in the manner indicated below:

**VIA CM/ECF EMAIL SERVICE ONLY:**

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*Appellant Counsel to Liberty Associates, LC*

This 9th day of June, 2011.

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